

section 527 of the National Defense Authorization Act for Fiscal Year 2020 for the review of discharge characterizations by appropriate discharge boards.

(2) **COLLABORATION.**—In conducting activities under this subsection, the Tiger Team Leader shall identify appropriate external stakeholders with whom the Tiger Team shall work to carry out such activities. Such stakeholders shall include the following:

(A) The Secretary of Veterans Affairs.

(B) The Archivist of the United States.

(C) Representatives of veterans service organizations.

(D) Such other stakeholders as the Tiger Team Leader considers appropriate.

(3) **INITIAL REPORT.**—Not later than 210 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress the following:

(A) A plan setting forth the following:

(i) A description of the manner in which the Secretary, working through the Tiger Team and in collaboration with external stakeholders described in paragraph (2), shall identify individuals who meet the criteria in section 527(b) of the National Defense Authorization Act for Fiscal Year 2020 for review of discharge characterization.

(ii) A description of the manner in which the Secretary, working through the Tiger Team and in collaboration with the external stakeholders, shall improve outreach to individuals who meet the criteria in section 527(b) of the National Defense Authorization Act for Fiscal Year 2020 for review of discharge characterization, including through—

(I) obtaining contact information on such individuals; and

(II) contacting such individuals on the process established pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020 for the review of discharge characterizations.

(B) A description of the manner in which the work described in clauses (i) and (ii) of subparagraph (A) will be carried out, including an allocation of the work among the Tiger Team and the external stakeholders.

(C) A schedule for the implementation, carrying out, and completion of the plan required under subparagraph (A).

(D) A description of the additional funding, personnel, or other resources of the Department required to carry out the plan required under subparagraph (A), including any modification of applicable statutory or administrative authorities.

(4) **IMPLEMENTATION OF PLAN.**—

(A) **IN GENERAL.**—The Secretary shall implement and carry out the plan submitted under subparagraph (A) of paragraph (3) in accordance with the schedule submitted under subparagraph (C) of that paragraph.

(B) **UPDATES.**—Not less frequently than once every 90 days after the submittal of the report under paragraph (3), the Tiger Team shall submit to Congress an update on the carrying out of the plan submitted under subparagraph (A) of that paragraph.

(5) **FINAL REPORT.**—Not later than 3 years after the date of the enactment of this Act, the Tiger Team shall submit to the Committees on Armed Services of the Senate and the House of Representatives a final report on the activities of the Tiger Team under this subsection. The report shall set forth the following:

(A) The number of individuals discharged under Don't Ask, Don't Tell or a similar policy prior to the enactment of Don't Ask, Don't Tell.

(B) The number of individuals described in subparagraph (A) who availed themselves of a review of discharge characterization (whether through discharge review or correction of military records) through a process

established prior to the enactment of this Act.

(C) The number of individuals contacted through outreach conducted pursuant to this section.

(D) The number of individuals described in subparagraph (A) who availed themselves of a review of discharge characterization through the process established pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020.

(E) The number of individuals described in subparagraph (D) whose review of discharge characterization resulted in a change of characterization to honorable discharge.

(F) The total number of individuals described in subparagraph (A), including individuals also covered by subparagraph (E), whose review of discharge characterization since September 20, 2011 (the date of repeal of Don't Ask, Don't Tell), resulted in a change of characterization to honorable discharge.

(6) **TERMINATION.**—On the date that is 60 days after the date on which the final report required by paragraph (5) is submitted, the Secretary shall terminate the Tiger Team.

(d) **ADDITIONAL REPORTS.**—

(1) **REVIEW.**—The Secretary of Defense shall conduct a review of the consistency and uniformity of the reviews conducted pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020.

(2) **REPORTS.**—Not later than 270 days after the date of the enactment of this Act, and each year thereafter for a four-year period, the Secretary shall submit to Congress a report on the reviews under paragraph (1). Such reports shall include any comments or recommendations for continued actions.

(e) **REVIEW OF DISCHARGE OF IMPACTED FORMER MEMBERS.**—

(1) **IN GENERAL.**—The Secretary of Defense shall review and update existing guidance to ensure that the appropriate discharge board for the military departments concerned shall review a discharge characterization of the covered member as required under section 527 of the National Defense Authorization Act for Fiscal Year 2020 at the request of a covered member, or their representative, notwithstanding any requirements to provide documentation necessary to initiate a review of a discharge characterization.

(2) **EXCEPTION.**—The appropriate discharge board for the military departments concerned shall not be required to initiate a request for a review of a discharge as described in paragraph (1) if there is evidence available to the discharge board that is unrelated to the material request of the covered member or their representative but that would have reasonably substantiated the military department's discharge decision.

(f) **HISTORICAL REVIEWS.**—

(1) **IN GENERAL.**—The Secretary of each military department shall ensure that oral historians of the department, in coordination with the chief of the personnel division for the military department concerned—

(A) review the facts and circumstances surrounding the estimated 100,000 members of the Armed Forces discharged from the Armed Forces between World War II and September 2011 because of the sexual orientation of the member, including any use of ambiguous or misleading separation codes and characterizations intended to disguise the discriminatory basis of such members' discharge; and

(B) receive oral testimony of individuals who personally experienced discrimination and discharge because of the actual or perceived sexual orientation of the individual so that such testimony may serve as an official record of these discriminatory policies and their impact on American lives.

(2) **DEADLINE FOR COMPLETION.**—Each Secretary of a military department shall ensure

that the oral historians concerned complete the actions required by paragraph (1) by not later than two years after the date of the enactment of this Act.

(3) **USES OF INFORMATION.**—Information obtained through actions under paragraph (1) shall be available to members described in that paragraph for pursuit by such members of a remedy under section 527 of the National Defense Authorization Act for Fiscal Year 2020 in accordance with regulations prescribed for such purpose by the Secretary of the military department concerned.

(g) **DON'T ASK, DON'T TELL DEFINED.**—In this section, the term “Don't Ask, Don't Tell” means section 654 of title 10, United States Code, as in effect before such section was repealed pursuant to the Don't Ask, Don't Tell Repeal Act of 2010 (Public Law 111-321).

SA 4615. Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ____ ENHANCING TRANSPARENCY ON INTERNATIONAL AGREEMENTS AND NON-BINDING INSTRUMENTS.

(a) **SECTION 112B OF TITLE 1.**—

(1) **IN GENERAL.**—Chapter 2 of title 1, United States Code, is amended by striking section 112b and inserting the following:

“§ 112b. United States international agreements; transparency provisions

“(a)(1) Not less frequently than once each month, the Secretary, through the Legal Adviser of the Department of State, shall provide in writing to the appropriate congressional committees the following:

“(A)(i) A list of all international agreements and qualifying non-binding instruments approved for negotiation by the Secretary or another Department of State officer at the Assistant Secretary level or higher during the prior month, or, in the event an international agreement or qualifying non-binding instrument is not included in the list required by this clause, a certification corresponding to the international agreement or qualifying non-binding instrument as authorized under paragraph (4)(A).

“(ii) A description of the intended subject matter and parties to or participants for each international agreement and qualifying non-binding instrument listed pursuant to clause (i).

“(B)(i) A list of all international agreements and qualifying non-binding instruments signed, concluded, or otherwise finalized during the prior month.

“(ii) The text of all international agreements and qualifying non-binding instruments described in clause (i).

“(iii) A detailed description of the legal authority that, in the view of the Secretary, provides authorization for each international agreement and qualifying non-binding instrument provided under clause (ii) to become operative. If multiple authorities are relied upon in relation to an international agreement or qualifying non-binding instrument, the Secretary shall cite all such authorities. All citations to a treaty or statute

shall include the specific article or section and subsection reference whenever available and, if not available, shall be as specific as possible. If the authority relied upon is or includes article II of the Constitution of the United States, the Secretary shall explain the basis for that reliance.

“(C)(i) A list of all international agreements that entered into force and qualifying non-binding instruments that became operative for the United States or an agency of the United States during the prior month.

“(ii) The text of all international agreements and qualifying non-binding instruments described in clause (i).

“(iii) A statement describing any new or amended statutory or regulatory authority anticipated to be required to fully implement each proposed international agreement and qualifying non-binding instrument included in the list described in clause (i).

“(iv) A statement of whether there were any opportunities for public comment on the international agreement or qualifying non-binding instrument prior to the conclusion of such agreement or instrument.

“(2) The Secretary may provide any of the information or texts of international agreements and qualifying non-binding instruments required under paragraph (1) in classified form if providing such information in unclassified form could reasonably be expected to cause damage to the foreign relations or foreign activities of the United States.

“(3) In the case of a general authorization issued for the negotiation or conclusion of a series of international agreements of the same general type, the requirements of this subsection may be satisfied by the provision in writing of—

“(A) a single notification containing all the information required by this subsection; and

“(B) a list, to the extent described in such general authorization, of the countries or entities with which such agreements are contemplated.

“(4)(A) The Secretary may, on a case-by-case basis, waive the requirements of subsection (a)(1)(A)(i) with respect to a specific international agreement or qualifying non-binding instrument for renewable periods of up to 180 days if the Secretary certifies in writing to the appropriate congressional committees that—

“(i) exercising the waiver authority is vital to the negotiation of a particular international agreement or qualifying non-binding instrument; and

“(ii) the international agreement or qualifying non-binding instrument would significantly and materially advance the foreign policy or national security interests of the United States.

“(B) The Secretary shall brief the Majority Leader and the Minority Leader of the Senate, the Speaker and the Minority Leader of the House of Representatives, and the Chairs and Ranking Members of the appropriate congressional committees on the scope and status of the negotiation that is the subject of the waiver under subparagraph (A)—

“(i) not later than 60 calendar days after the date on which the Secretary exercises the waiver; and

“(ii) once every 180 calendar days during the period in which a renewed waiver is in effect.

“(C) The certification required by subparagraph (A) may be provided in classified form.

“(D) The Secretary shall not delegate the waiver authority or certification requirements under subparagraph (A). The Secretary shall not delegate the briefing requirements under subparagraph (B) to any person other than the Deputy Secretary.

“(b)(1) Not less frequently than once each month, the Secretary shall make the text of

all international agreements that entered into force during the prior month, and the information required by subparagraph (B)(iii) of subsection (a)(1) and clauses (iii) and (iv) of subparagraph (C) of such subsection, available to the public on the website of the Department of State.

“(2) The requirement under paragraph (1)—

“(A) shall not apply to any information, including the text of an international agreement, that is classified; and

“(B) shall apply to any information, including the text of an international agreement, that is unclassified, except that the information required by subparagraph (B)(iii) of subsection (a)(1) and clauses (iii) and (iv) of subparagraph (C) of such subsection shall not be subject to the requirement under paragraph (1) if the international agreement to which it relates is classified.

“(3)(A) Not less frequently than once every 90 calendar days, the Secretary shall make the text of all unclassified qualifying non-binding instruments that become operative available to the public on the website of the Department of State.

“(B) The requirement under subparagraph (A) shall not apply to a qualifying non-binding instrument if making the text of that instrument available to the public could reasonably be expected to cause damage to the foreign relations or foreign activities of the United States.

“(c) For any international agreement or qualifying non-binding instrument, not later than 30 calendar days after the date on which the Secretary receives a written communication from the Chair or Ranking Member of either of the appropriate congressional committees requesting copies of any implementing agreements or instruments, whether binding or non-binding, the Secretary shall submit such implementing agreements or instruments to the appropriate congressional committees.

“(d) Any department or agency of the United States Government that enters into any international agreement or qualifying non-binding instrument on behalf of itself or the United States shall—

“(1) provide to the Secretary the text of each international agreement not later than 30 calendar days after the date on which such agreement is signed;

“(2) provide to the Secretary the text of each qualifying non-binding instrument not later than 30 calendar days after the date of the written communication described in subsection (m)(3)(A)(ii)(II); and

“(3) on an ongoing basis, provide any implementing material to the Secretary for transmittal to the appropriate congressional committees as needed to satisfy the requirements described in subsection (c).

“(e)(1) Each department or agency of the United States Government that enters into any international agreement or qualifying non-binding instrument on behalf of itself or the United States shall designate a Chief International Agreements Officer, who shall—

“(A) be selected from among employees of such department or agency;

“(B) serve concurrently as the Chief International Agreements Officer; and

“(C) subject to the authority of the head of such department or agency, have department- or agency-wide responsibility for efficient and appropriate compliance with this section.

“(2) The Chief International Agreements Officer of the Department of State shall serve in the Office of the Legal Adviser with the title of International Agreements Compliance Officer.

“(f) Texts of oral international agreements and qualifying non-binding instruments shall be reduced to writing and subject to the requirements of subsection (a).

“(g) Notwithstanding any other provision of law, an international agreement may not be signed or otherwise concluded on behalf of the United States without prior consultation with the Secretary. Such consultation may encompass a class of agreements rather than a particular agreement.

“(h)(1) Notwithstanding any other provision of law, no amounts appropriated to the Department of State under any law shall be available for obligation or expenditure to conclude or implement or to support the conclusion or implementation of (including through the use of personnel or resources subject to the authority of a chief of mission) an international agreement, other than to facilitate compliance with this section, until the Secretary satisfies the substantive requirements in subsection (a) with respect to that international agreement.

“(2)(A) An obligation or expenditure of funds that does not comply with the prohibition described in paragraph (1) shall not constitute a violation of paragraph (1) or any other law if such violation was inadvertent.

“(B) For purposes of this subsection, a violation shall be considered to be inadvertent if, not later than 5 business days after the date on which a Department of State official first learns of the violation, the Secretary—

“(i) certifies in writing to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives that, to the Secretary's knowledge, the Department of State was unaware of the violation at the time of the obligation or expenditure; and

“(ii) satisfies the substantive requirements in subsection (a) with respect to the international agreement concerned.

“(3) This subsection shall take effect on October 1, 2022.

“(i)(1) Not later than 3 years after the date of the enactment of this Act, and not less frequently than once every 2 years thereafter, the Comptroller General of the United States shall conduct an audit of the compliance of the Secretary with the requirements of this section.

“(2) In any instance in which a failure by the Secretary to comply with such requirements is determined by the Comptroller General to have been due to the failure or refusal of another agency to provide information or material to the Department of State, or the failure to do so in a timely manner, the Comptroller General shall engage such other agency to determine—

“(A) the cause and scope of such failure or refusal;

“(B) the specific office or offices responsible for such failure or refusal; and

“(C) penalties or other recommendations for measures to ensure compliance with statutory requirements.

“(3) The Comptroller General shall submit to the appropriate congressional committees in writing the results of each audit required by paragraph (1).

“(4) The Comptroller General and the Secretary shall make the results of each audit required by paragraph (1) publicly available on the websites of the Government Accountability Office and the Department of State, respectively.

“(j)(1) Not later than February 1 of each year, the Secretary shall submit to the appropriate congressional committees a written report that contains a list of—

“(A) all international agreements and qualifying non-binding instruments that were signed or otherwise concluded, entered into force or otherwise became operative, or that were modified or otherwise amended during the preceding calendar year; and

“(B) for each agreement and instrument included in the list under subparagraph (A)—

“(i) the dates of any action described in such subparagraph;

“(ii) the title of the agreement or instrument; and

“(iii) a summary of the agreement or instrument (including a description of the duration of activities under the agreement or instrument and a description of the agreement or instrument).

“(2) The report described in paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

“(3)(A) The Secretary should make the report, except for any classified annex, available to the public on the website of the Department of State.

“(B) Not later than February 1 of each year, the Secretary shall make available to the public on the website of the Department of State each part of the report involving an international agreement or qualifying non-binding instrument that entered into force or became operative during the preceding calendar year, except for any classified annex or information contained therein.

“(4) Not less frequently than once every 90 calendar days, the Secretary shall brief the appropriate congressional committees on developments with regard to treaties, other international agreements, and non-binding instruments that have an important effect on the foreign relations of the United States.

“(k) The President shall, through the Secretary, promulgate such rules and regulations as may be necessary to carry out this section.

“(l) It is the sense of Congress that the executive branch should not prescribe or otherwise commit to or include specific legislative text in a treaty, executive agreement, or non-binding instrument unless Congress has authorized such action.

“(m) In this section:

“(1) The term ‘appropriate congressional committees’ means—

“(A) the Committee on Foreign Relations of the Senate; and

“(B) the Committee on Foreign Affairs of the House of Representatives.

“(2) The term ‘Deputy Secretary’ means the Deputy Secretary of State.

“(3) The term ‘intelligence community’ has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

“(4) The term ‘international agreement’ includes—

“(A) any treaty that requires the advice and consent of the Senate, pursuant to article II of the Constitution of the United States; and

“(B) any other international agreement to which the United States is a party and that is not subject to the advice and consent of the Senate.

“(5)(A) The term ‘qualifying non-binding instrument’ means a non-binding instrument that—

“(i) is or will be under negotiation or is signed or otherwise becomes operative with one or more foreign governments, international organizations, or foreign entities, including non-state actors; and

“(ii)(I) could reasonably be expected to have a significant impact on the foreign policy of the United States; or

“(II) is the subject of a written communication from the Chair or Ranking Member of either of the appropriate congressional committees to the Secretary.

“(B) The term ‘qualifying non-binding instrument’ does not include any non-binding instrument that is signed or otherwise becomes operative pursuant to the authorities provided in title 10 or the authorities provided to any element of the intelligence community.

“(6) The term ‘Secretary’ means the Secretary of State.

“(7)(A) The term ‘text’ with respect to an international agreement or qualifying non-binding instrument includes—

“(i) any annex, appendix, codicil, side agreement, side letter, or any document of similar purpose or function to the aforementioned, regardless of the title of the document, that is entered into contemporaneously and in conjunction with the international agreement or qualifying non-binding instrument; and

“(ii) any implementing agreement or arrangement, or any document of similar purpose or function to the aforementioned regardless of the title of the document, that is entered into contemporaneously and in conjunction with the international agreement or qualifying non-binding instrument.

“(B) Under clauses (i) and (ii) of subparagraph (A), the term ‘contemporaneously and in conjunction with’ shall be construed liberally and shall not be interpreted to mean simultaneously or on the same day.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 1, United States Code, is amended by striking the item relating to section 112b and inserting the following:

“112b. United states international agreements; transparency provisions.”

(3) TECHNICAL AND CONFORMING AMENDMENT RELATING TO AUTHORITIES OF THE SECRETARY OF STATE.—Section 317(h)(2) of the Homeland Security Act of 2002 (6 U.S.C. 195c(h)(2)) is amended by striking “Section 112b(c)” and inserting “Section 112b(g)”.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of State \$1,000,000 for each of fiscal years 2022 through 2026 for purposes of implementing the requirements of section 112b of title 1, United States Code, as amended by this subsection.

(5) RULES AND REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the President shall, through the Secretary of State, promulgate such rules and regulations as may be necessary to carry out section 112b of title 1, United States Code, as amended by this subsection.

(b) SECTION 112A OF TITLE 1.—Section 112a of title 1, United States Code, is amended—

(1) in subsection (a), by striking “(a) The Secretary” and inserting “The Secretary”; and

(2) by striking subsections (b), (c), and (d).

SA 4616. Mr. WARNER (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION ____—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2022

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Intelligence Authorization Act for Fiscal Year 2022”.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

DIVISION ____—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2022

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL INTELLIGENCE MATTERS

Subtitle A—Intelligence Community Matters

Sec. 301. Increasing agricultural and commercial intelligence measures.

Sec. 302. Plan for allowing contracts with providers of services relating to sensitive compartmented information facilities.

Sec. 303. Plan to establish commercial geospatial intelligence data and services program office.

Sec. 304. Investment strategy for commercial geospatial intelligence services acquisition.

Sec. 305. Central Intelligence Agency Acquisition Innovation Center report, strategy, and plan.

Sec. 306. Improving authorities relating to national counterintelligence and security.

Sec. 307. Removal of Chief Information Officer of the Intelligence Community from level IV of the Executive Schedule.

Sec. 308. Requirements relating to construction of facilities to be used primarily by intelligence community.

Sec. 309. Director of National Intelligence support for intelligence community diversity, equity, inclusion, and accessibility activities.

Sec. 310. Establishment of Diversity, Equity, and Inclusion Officer of the Intelligence Community.

Sec. 311. Annual report evaluating collaboration between the National Reconnaissance Office and the Space Force.

Sec. 312. Director of National Intelligence declassification review of information relating to terrorist attacks of September 11, 2001.

Sec. 313. Establishment of Chaplain Corps of the Central Intelligence Agency.

Sec. 314. Pilot program on recruitment and retention in Office of Intelligence and Analysis of the Department of the Treasury.

Sec. 315. Pilot program on student loan repayment at Office of Intelligence and Analysis of Department of the Treasury.

Sec. 316. Prohibition on collection and analysis of United States persons’ information by intelligence community based on First Amendment-protected activities.

Sec. 317. Sense of the Senate on the use of intelligence community resources for collection, assessment, and analysis of information pertaining exclusively to United States persons absent a foreign nexus.

Subtitle B—Inspector General of the Intelligence Community

Sec. 321. Submittal of complaints and information by whistleblowers in the intelligence community to Congress.